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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT

PAPER NUMBER

2421

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/031,091	Applicant(s) JOHNSON ET AL.	
	Examiner SUMAIYA A. CHOWDHURY	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

(a) Applicant argues Wugofski does not teach the newly amended subject matter.

The Examiner relies on Wugofski to teach "determining if said video signal received on said currently selected video input is at least one of a certain type of video signal and said video signal originates from a certain type of video source". The user using the receiver can determine the type of video signal and the source the signal originates from. The Examiner relies on Kim (5448370) to teach "wherein said at least two video inputs are receiving video signals from different external sources" and detecting available channels "when said received video signal is at least one of said certain type of video signal and originates from said certain type of video source". Kim teaches that the VCR and tuner are two inputs and that by selecting the autoprogram feature, tuner 102 is selected as the currently selected video input, and that available channels are detected for that input.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

In claim 1, line 7, delete "a".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski (6003041) in view of Kim (5448370).

As for claim 1, Wugofski teaches in a video processing apparatus having at least two video inputs, each video input able to receive a video signal originating from a respective one of a plurality of external input sources and coupled to a display device, a method of performing a channel search comprising:

selecting by a user a video input as a currently selected video input from one of the at least two video inputs (user identifies source 110; col. 6, lines 24-30; signal sources 110 include antenna, DBS, cable, etc.; col. 3, lines 1-27);

determining if said video signal received on said currently selected video input is at least one of a certain type of video signal and said video signal originates from a certain type of video source (The user is capable of determining if the video received on the currently selected video input is of a certain type and if the video signal originates from a certain type of video source);

detecting available channels from various possible channels received from the video source connected to only the currently selected video input (col. 6, lines 33-65); and

updating a channel list of channels available for the currently selected video input (col. 6, lines 50-65).

However, Wugofski fails to disclose:

wherein said at least two video inputs are receiving video signals from different external sources;

detecting available channels when said received video signal is at least one of said certain type of video signal and originates from said certain type of video source

In an analogous art, Kim discloses:

wherein said at least two video inputs are receiving video signals from different external sources (VCR and tuner 102);

detecting available channels when said received video signal is at least one of said certain type of video signal and originates from said certain type of video source (By selecting the autoprogram option, tuner 102 is selected as the currently selected video input. Once the autoprogram option is implemented, tuner 102 is controlled to search for all active channels and a list of all active channels is compiled. col. 5, lines 37-53);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Wugofski's invention to include the abovementioned

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limitation, as taught by Kim, for the advantage of automating the process of updating a updating a list of available channels.

As for claims 2, 6, and 10, Wugofski teaches detecting available channels comprises detecting only digital channels (DBS; col. 3, lines 4-5).

As for claims 3, 7, and 11, Wugofski teaches after determining a currently selected video input:

means for utilizing information generated from a previous full channel search regarding whether the selected video input is coupled to a cable video signal source or an antenna video signal source (User selects source 110; col. 6, lines 24-30. The system then goes through map database 370 to detect if any device/physical-channel keys are not present in database 370 for the selected source; col. 6, lines 33-65).

As for claims 4, 8, and 12, Wugofski teaches after determining a currently selected video input:

means for utilizing information entered by the user regarding whether the selected video input or television signal is coupled to a cable video signal source or an antenna video signal source (After the user selects the video input, the user selects the channel to view through EPG 320. If the user has a cable video signal source selected, the user selects a channel through the EPG. In contrast, if the user has an antenna

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video signal source selected, the user manually enters in the channel number or depresses the channel up/down button to select a channel. In other words, based on the video signal source, user selection of a channel differs- col. 4, lines 40-50).

Claim 5 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 5 additionally calls for the following:

Means for selecting one RF video input of the at least two RF video inputs (VHF/UHF antenna & modem which processes RF TV signals) as a television signal source for processing (col. 3, lines 1-20);

Claim 9 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 9 additionally calls for the following:

means (signal receivers 120) for receiving a first plurality of channels of television signals from a first television signal input (antenna) of the at least two video inputs (col. 6, lines 16-33);

means (signal receivers 120) for receiving a second plurality of channels of television signals from a second television signal input (cable) of the at least two video inputs (col. 6, lines 16-33);

means (140) for displaying video data associated with one of the plurality of channels of television signals from either the first and second television signal inputs (col. 3, lines 33-38);

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/

Examiner, Art Unit 2421